



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, JOINT READINESS TRAINING CENTER AND FORT POLK  
6661 WARRIOR TRAIL, BUILDING 350  
FORT POLK, LOUISIANA 71459-5339

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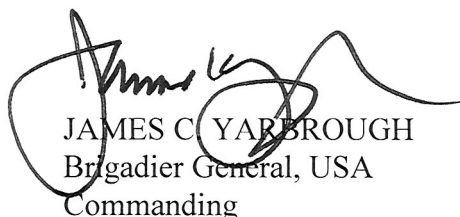
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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Memorandum G1-04 – Sexual Assault

1. Sexual assault is a crime that is incompatible with Army Values and the Warrior Ethos and it directly and negatively impacts the morale, welfare, and safety of Soldiers, as well as unit readiness. Sexual assault refers to rape, forcible sodomy, indecent assault, and wrongful sexual contact; all criminal offenses in the Uniform Code of Military Justice. Sexual assault differs from sexual harassment in that it involves physical contact.
3. Commanders have a responsibility to ensure Soldiers do not become either victims or perpetrators of sexual assault. The primary methods used to reduce the potential for sexual assaults are education, training, and active vigilance. Accordingly, commanders will implement and support the Army's Sexual Assault Prevention and Response Program, in accordance with AR 600-20, chapter 8. Effective sexual assault prevention training educates Soldiers on risk factors associated with sexual assault, as well as the consequences for committing sexual assaults. In addition to coordinating training, leaders must exercise steady caution in protecting their Soldiers from sexual assaults. Deployments present even greater risks for sexual assault and require heightened vigilance from the command.
4. All commanders must develop a command climate in which Soldiers feel confident that they can openly address incidents of sexual assault with their chain of command. Each battalion and company-sized unit will appoint a minimum of two Soldiers to be Unit Victim Advocates (UVA). Soldiers will be trained to provide victim advocacy as a collateral duty. Commanders will ensure replacement UVAs are appointed and trained prior to departure of the current UVA. Commanders receiving reports of sexual assault will use the enclosed Fort Polk Commander's Sexual Assault Victim Assistance Checklist and ensure that the victim is treated with dignity and respect. Commanders will take prompt action on all reports of sexual assault and ensure that each report is seriously considered, thoroughly investigated, and appropriately disposed of based upon the facts of the individual case. Commanders are encouraged to consult with their servicing judge advocate immediately upon receiving sexual assault reports.
5. This policy will remain in effect until superseded or rescinded, whichever is sooner.

Encl  
as

  
JAMES C. YARBROUGH  
Brigadier General, USA  
Commanding

DISTRIBUTION:

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## **Army Sexual Assault Prevention and Response Program Sexual Assault Victim Assistance Actions - Checklist**

\* Although the commander has significant leadership responsibility for actions after a report of sexual assault, not necessarily all of the actions listed will be taken by the commander.

\*The actions in the following list are to be taken in the event of receiving a report of sexual assault.

1. \_\_\_\_\_ Ensure the physical safety of the victim-determine if the alleged assailant is still nearby and if the victim needs protection.
2. \_\_\_\_\_ Notify the Sexual Assault Response Coordinator (SARC) at 531-1848 of the incident and continue to maintain contact with the SARC for on going information and recommendations.
3. \_\_\_\_\_ Encourage the victim to report the incident and get a medical examination immediately (even if the incident occurred prior to the past 72 hours). Contact the Bayne Jones Army Community Hospital, Emergency Room at 531-3368/9.
4. \_\_\_\_\_ Advise the victim of the need to preserve evidence (for example, by not bathing, showering, washing garments).
5. \_\_\_\_\_ Make appropriate administrative and logistical coordination for movement of victim to receive care. (Involve the minimum number of personnel possible and only on a need-to-know basis).
6. \_\_\_\_\_ Ask if the victim needs a support person (for example, a personal friend, victim advocate, chaplain) to immediately join the victim.
7. \_\_\_\_\_ Notify the Chaplain if the victim requests pastoral counseling or assistance.
8. \_\_\_\_\_ Coordinate with the SARC for the notification to the Criminal Investigation Command, military police, installation provost marshal (per AR 195-1, paragraph 6), and commanders in the chain of command (as appropriate) within 24 hours (as soon as the victim's safety is established and victim's medical treatment procedures are in motion) and

(a) Limit the details regarding the incident to only those personnel who have a legitimate need to know.

(b) Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except by those personnel who may have a "need to know", including but not limited to, the Criminal Investigation Command investigator(s) and the trial counsel.

(c) Collect only the necessary information (for example, victim's identity, location and time of the incident, name and/or description of offender(s)). Do not ask detailed questions and/or pressure the victim for responses.

**Army Sexual Assault Prevention and Response Program Sexual Assault  
Victim Assistance Actions – Checklist Cont...**

9. \_\_\_\_\_ Ensure the victim is made aware of, and encouraged to exercise, their options during each phase of the medical, investigative, and legal processes.

10. \_\_\_\_\_ Ensure the CID notifies victims and witnesses of their rights through a completed Victims and Witnesses of Crime form, DD Form 2701. (Reference AR 27-10).

11. \_\_\_\_\_ Provide emotional support to the victim, including —

(a) Throughout the investigation, consult with the victim and, to the extent practicable, accommodate the victim's wishes, as long as a full and complete investigation is not compromised.

(b) Listen/engage in quiet support of the victim, as needed. Be available in the weeks and months following the sexual assault, and ensure the victim that she/he can rely on the commander's support.

(c) Emphasize to the victim the availability of additional avenues of support; refer to available counseling groups and other victim services.

(d) Confer with the commander's legal representative and/or servicing SJA office to consider legal options, responsibilities (for example, pretrial restraint, military protective order), and appropriate disposition of the alleged offense.

12. \_\_\_\_\_ Determine the best courses of action for separating the victim and the subject during the investigation.

(a) Determine whether the victim desires to be transferred to another unit.

(b) Determine if the suspect needs/desires to be transferred to another unit.

(c) Consider whether a Military Protection Order (MPO) (DD Form 2873), referred to as "no contact order," is appropriate.

(d) Coordinate with sexual assault response agencies and the chain of command (involve as few people as possible and only on a need to know basis, protecting the victim's privacy) to determine if the victim's condition warrants redeployment or reassignment, until there is a final legal disposition of the sexual assault case and/or the victim is no longer in danger.

(e) To the extent practicable, preferential consideration related to the reassignment should be based on the victim's desires.

## **Army Sexual Assault Prevention and Response Program Sexual Assault Victim Assistance Actions – Checklist Cont...**

13. \_\_\_\_\_ Flag (suspend favorable personnel actions) any Soldier under charges, restraint, or investigation for sexual assault in accordance with AR 600-8-2 (Suspension of Favorable Actions), and suspend the Soldier's security clearance in accordance with AR 380-67, the Department of the Army Personnel Security Program.
14. \_\_\_\_\_ Avoid automatic suspension or revocation of the victim's security and/or personnel reliability program clearance, when possible, as the victim can be treated for their related trauma. Consider the negative impact that suspension of a victim's security clearance has on both the victim's sensitivity and the service climate for reporting. Commanders should consider making this decision in consultation with a credentialed behavioral health professional.
15. \_\_\_\_\_ Determine how to best dispose of the victim's collateral misconduct. Absent overriding considerations, commanders should consider exercising their authority in appropriate cases to defer disciplinary actions for the victim's misconduct until after the final disposition of the sexual assault case.
16. \_\_\_\_\_ Update the battalion or higher-level commander on the status of the victim and subject(s) within 14 calendar days, and on a monthly basis thereafter, until the case is officially closed. If the victim or subject is transferred or redeployed prior to the case closing, coordinate with investigative and SJA personnel before ceasing monthly updates on parties involved.
17. \_\_\_\_\_ Update the victim on a monthly basis on the sexual assault investigation until its final disposition. Furthermore, initiate follow-up with the victim within 45 days after disposition of the case.
18. \_\_\_\_\_ Consult with the servicing legal office, criminal investigative organization, and notify the assigned victim advocate prior to taking any administrative action affecting the victim.
19. \_\_\_\_\_ Ensure unit personnel are abreast of risk factors associated with sexual assault, especially those risk factors unique to the deployed environment.

**For further guidance see AR 600-20, appendix G, paragraph G-2.**